

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF NORTH CAROLINA

**PLYMOUTH COUNTY RETIREMENT  
ASSOCIATION, on Behalf of Itself and All  
Others Similarly Situated,**

Plaintiffs,

v.

**PRIMO WATER CORPORATION, BILLY  
D. PRIM, MARK CASTANEDA, DAVID J.  
MILLS, RICHARD A. BRENNER, DAVID  
W. DUPREE, MALCOLM McQUILKIN,  
DAVID L. WARNOCK, JACK C.  
KILGORE, CULLIGAN  
INTERNATIONAL COMPANY,  
ANDREW J. FILIPOWSKI, CARL V.  
SANTOIERMO, STIFEL, NICOLAUS &  
COMPANY, INC., BB&T CAPITAL  
MARKETS, JANNEY MONTGOMERY  
SCOTT LLC, and SIGNAL HILL  
CAPITAL GROUP LLC,**

Defendants.

**1:11-cv-01068-TDS-PTS**

STIPULATION AND ORDER

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Plaintiff Plymouth County Retirement Association (“Plaintiff”) and  
defendant Culligan International Company (“Defendant”), subject to the Court’s  
approval, hereby stipulate as follows:

1. Plaintiff commenced this action on December 2, 2011, asserting certain claims under Sections 11, 12(a), and 15 of the Securities Act of 1933 (the “Securities Act”); Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 10b-5 promulgated thereunder; and Section 20(a) of the Exchange Act.

2. Plaintiff brings this action as a putative class action.

3. Plaintiff’s claims are subject to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), which provides, *inter alia*, that issues such as the consolidation of the related federal securities law actions and the appointment of lead plaintiffs must be addressed at the outset of any such suit. *See* 15 U.S.C. § 77z-1(a)(1)–(3).

4. Under the PSLRA, lead plaintiff motions are not due until January 31, 2012.

5. Plaintiff and Defendant recognize that lead plaintiff appointments will not have been made, and other preliminary matters (such as consolidation, the filing of an amended and consolidated complaint, etc.) will not have been accomplished, prior to the time Defendant must respond to the complaint (the “Initial Complaint”), and that premature response will be a waste of time, money, and effort on the part of the Court and all parties.

6. Service of the Summons and Initial Complaint has successfully been completed on Defendant. The time has not expired for Defendant to respond to the Initial Complaint.

7. Defendant is not required to respond to the Initial Complaint, or, subject to this Court’s approval of this Stipulation, to any complaint in an action

assigned or transferred to the Court as related to the instant action, or any complaint in any action consolidated into this action, until the lead plaintiff and lead plaintiff's counsel have been designated pursuant to 15 U.S.C. § 78U-4(a)(3)(B), and have filed an Amended Complaint. The Amended Complaint shall supersede all complaints in any of the actions consolidated herein.

Date: January 13, 2012

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Stipulation APPROVED, this \_\_\_\_ day of January, 2012.

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United States Magistrate Judge

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing *Stipulation and Order* was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to the registered participants, as follows:

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